



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

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May 19, 2011

Penney De Pas
Board of Podiatry Examiners
1500 Sunday Drive, Suite 102
Raleigh, NC 27607

Re: 21 NCAC 52 .0206

Dear Ms. De Pas:

At its May 19, 2011 meeting the Rules Review Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10.

The Commission objected to this Rule based on lack of necessity. This rule is unnecessary and reflects internal action. G.S. 143b-10(j)(3) specifies that such policies are internal matters and "shall not be adopted or filed" as rules under G.S. 150B. This "rule" neither requires the applicant to take any action nor forbids the applicant from taking any action. To the extent that it binds the board or the agency it seems to bind them to act with common sense and take the steps an occupational licensing agency would be expected to take in issuing any license to practice that occupation. That is unnecessary and does not help the applicant.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Joseph J. DeLuca, Jr.
Commission Counsel

JJD:jbe

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